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NOTICE OF ALLOWANCE AND FEE(S) DUE

23720

7590

08/31/2010

WILLIAMS, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON, TX 77042

EXAMINER

LEMM, SAMSON B

ART UNIT

PAPER NUMBER

2432

DATE MAILED: 08/31/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,248	12/03/2001	Brian C. Barnes	2000.056500	7937

TITLE OF INVENTION: METHOD AND APPARATUS FOR RESTRICTED EXECUTION OF SECURITY SENSITIVE INSTRUCTIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	11/30/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23720 7590 08/31/2010

WILLIAMS, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON, TX 77042

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/005,248 12/03/2001

Brian C. Barnes

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TITLE OF INVENTION: METHOD AND APPARATUS FOR RESTRICTED EXECUTION OF SECURITY SENSITIVE INSTRUCTIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	11/30/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
LEMMA, SAMSON B	2432	713-200000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-112) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			LEMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2432	

DATE MAILED: 08/31/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 899 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 899 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/005,248

Applicant(s)

BARNES ET AL.

Examiner

Samson B. Lemma

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 07/07/2010.
2. ☒ The allowed claim(s) is/are 1-4, 7-12, 15-20, 23 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Samson B Lemma/
Examiner, Art Unit 2432

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/07/2010 has been entered. Claims 1-24 are pending of which claims 1, 9 and 17 are independent. Every independent claim 1, 9 and 17 is amended.
2. On 01/09/2007 appellants has submitted Appeal Brief to the Board of Patent Appeals and Interferences in response to the Final Office Action dated August 24, 2006. However on 11/06/2009, the Board of Patent Appeals and Interference (BPAI) have affirmed Examiner's rejection. In particular the BPAI affirmed the rejection of claims 1-3, 7-11, 15-19, 23, and 24 as being anticipated by Kamiya and the rejection of claims 4-6, 12-14, and 20- 22 as being unpatentable over Kamiya and Krueger.
3. On 12/28/2009, Appellants have requested for Rehearing of BPAI decision however the BPAI on May 7, 2010 has re-affirmed examiner's rejection for the second time. In particular, the BPAI re-affirmed the rejection of claims 1-3, 7-11, 15-19, 23, and 24 as being anticipated by Kamiya and the rejection of claims 4-6, 12-14, and 20- 22 as being unpatentable.

Then Appellants have finally filed an RCE on 07/07/2010. Every independent claim 1, 9 and 17 is amended.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **Nathan E. Black** Reg. No 66,191 on 12/27/2010.

The application has been amended as follows: In the claims

1. (Currently Amended) A method, comprising:
associating a first security identification (ID) with each of a plurality of instructions or a set of instructions that are to be executed by a processor;
requesting to execute at least one of the plurality of instructions or set of instructions by a software code running on the processor;
determining if the requested instruction is classified as security sensitive by determining whether the requested instruction has the first security ID that is stored;

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classifying at least one instruction or set of instructions from a plurality of instructions that are to be executed by a processor as being security sensitive;

obtaining a second security ID associated with the software code running on the processor if the at least one of the plurality of instructions is determined to be security sensitive;

comparing the second security ID with the first security ID; and
executing the requested instruction or set of instructions based directly upon determining that the second security ID matches the first security ID.

4. (Currently amended) The method of claim 1, wherein associating a first security identification (ID) further comprises:

~~classifying at least one instruction or set of instructions from a plurality of instructions that are to be executed by a processor as being security sensitive; and~~

associating a first security identification (ID) with each of the instructions or set of instructions that are classified as security sensitive.

5.-6. (Cancelled).

9. (Currently Amended) An apparatus, comprising:

a processor for running code thereon, and for associating a first security identification (ID) with each of a plurality of instructions or a set of instructions that are to be executed by the processor, wherein the processor classifies at least one instruction or set of instructions from a plurality of instructions that are to be executed as being security sensitive;

wherein the processor determines whether the requested instruction is classified as security sensitive by determining if the requested instruction has the first security ID stored therewith within a programmable register, wherein and the processor obtains the second security ID associated with the software code running on the processor providing the requested instruction was determined to be security sensitive; and

wherein the processor receives a request to execute at least one of the plurality of instructions or set of instructions by the code running thereon, obtains a second security ID associated with the code, compares the second security ID with the first security ID, and executes the requested instruction or set of instructions based directly upon determining the second security ID matches the first security ID.

12. (Currently Amended) The apparatus of claim 9, wherein the processor ~~classifies at least one instruction or set of instructions from a plurality of instructions that are to be executed as being security sensitive, and~~ associates the first security identification (ID) with each of the instructions or set of instructions that are classified as security sensitive.

13. (Cancelled)

14. (Cancelled)

17. (Currently Amended) An article comprising one or more non-transitory machine-readable storage media including instructions that when executed enable a processor to perform:

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associating a first security identification (ID) with each of a plurality of instructions or a set of instructions that are to be executed by the processor;

requesting to execute at least one of the plurality of instructions or set of instructions by a software code running on the processor;

determining if the requested instruction is classified as security sensitive by determining whether the requested instruction has the first security ID that is stored;

classifying at least one instruction or set of instructions from a plurality of instructions that are to be executed by a processor as being security sensitive;

obtaining a second security ID associated with the software code running on the processor if the at least one of the plurality of instructions is determined to be security sensitive;

comparing the second security ID with the first security ID; and

executing the requested instruction or set of instructions based directly upon determining the second security ID matches the first security ID.

20. (Currently Amended) The article of claim 17, wherein associating a first security identification (ID) further comprises:

~~classifying at least one instruction or set of instructions from a plurality of instructions that are to be executed by a processor as being security sensitive; and~~

associating a first security identification (ID) with each of the instructions or set of instructions that are classified as security sensitive.

21. (Cancelled)

22. (Cancelled)

Allowable Subject Matter

4. **Claims 1-4, 7-12, 15-20 and 23-24** are allowed and based on the above examiner's amendment, claims 5-6, 13-14 and 21-22 are canceled
5. The following is an examiner's statement of reasons for allowance:

After the above examiner's amendment is made to each and every independent claim 1, 9 and 17, the combination of the art on record (Kamiya and/or Krueger) does not disclose, teach or fairly suggest the combination of the limitations/similar limitation, including, wherein the processor classifies at least one instruction or set of instructions from a plurality of instructions that are to be executed as being security sensitive;

wherein the processor determines whether the requested instruction is classified as security sensitive by determining if the requested instruction has the first security ID stored therewith within a programmable register, wherein and the processor obtains the second security ID associated with the software code running on the processor providing the requested instruction was determined to be security sensitive; and

executes the requested instruction or set of instructions based directly upon determining the second security ID matches the first security ID

None of the prior art of record taken singularly or in combination teaches or suggests the specific method/apparatus and an article including the combination of functional limitation recited above together with other limitation recited in the each and every independent claim.

For this reason, independent claims **1, 9 and 17** are found to be novel and are allowed.

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6. The dependent claims which are dependent on the above **independent claims 1, 9 and 17** being further limiting to the independent claim, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Samson B Lemma/
Examiner, Art Unit 2432

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432